THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 17th day of April,2007

W.P.No.16711 of 2002

Between:-

C. Prabhakar Reddy … Petitioner

and

Registrar Cooperation,
Hyderabad and others …
Respondents … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.16711 of 2002

ORAL ORDER:

In this Writ Petition, Proceedings No.CDR/F.156/3733, dated 30.7.2002 of the 2nd respondent is under challenge.

Under the impugned Proceedings, a notice was issued to the petitioner to submit his explanation within 10 days as to why the Proceedings dated 10-10-2001 passed by the Managing Director/Member Secretary, A.P.State Cooperative Bank Limited, Hyderabad should not be cancelled.

It is the contention of the petitioner that for the charges shown in the impugned Proceedings, earlier an enquiry was conducted and on the basis of the Enquiry Officer's report dated 29-12-2000, the disciplinary authority has passed an Order dated 10-10-2001 letting off the petitioner with a warning to be careful in future. Therefore, the impugned Proceedings are unwarranted and it amounts to reviewing the order passed earlier and also amounts to double jeopardy.

Heard both sides.

In the facts and circumstances of the case, I am of the view that there is no power vested in the 2nd respondent-cadre committee to review the Order dated 10-10-2001 passed by the Managing Director/Member Secretary of the respondent-Bank. Even otherwise, when the proceedings against the very same misconduct were already concluded, it is not desirable to reopen the matter. Now, it brought to

the notice of this Court that the petitioner had already retired from service on attaining the age of superannuation in the year 2006. Therefore, the impugned Proceedings are liable to be set aside and are accordingly set aside.

The Writ Petition is allowed. No order as to costs.

Learned counsel for the petitioner also states that in view of the pendency of the Writ Petition, the retiral benefits of the petitioner were not settled till date.

In the facts and circumstances of the case, the respondents are directed to settle the retiral benefits of the petitioner and pay the same to him, within a period of two months from the date of receipt of a copy of this order.

17-4-2007

Office to despatch
copies within one week
(B.O.)
prk